

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ALBERTO PATINO,  
MARIA DEL ROSARIO MARTINEZ,  
MARIA MARI,  
RODOLFO R. TENREIRO, and  
PATRICIA GONZALES,  
*Plaintiffs,***

**VS.**

**Civil Action No. 4:14-CV-03241-LHR**

**CITY OF PASADENA,  
Mayor JOHNNY ISBELL,  
Council Members ORNALDO YBARRA,  
BRUCE LEAMON, DON HARRISON,  
PAT VAN HOUTE,  
CODY RAY WHEELER, PHIL  
CAYTEN, STEVE COTE, and  
DARRELL MORRISON,  
*Defendants.***

## DEFENDANTS' RULE 26 INITIAL DISCLOSURES

TO: Plaintiffs Alberto Patino, Maria Del Rosario Martinez, Maria Mari, Rodolfo R. Tenreiro, and Patricia Gonzales, by and through their attorneys of record, Ms. Nina Perales and Mr. Ernest Herrera, Mexican American Legal Defense and Education Fund, 110 Broadway, Suite 300, San Antonio, Texas 78205.

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendants City of Pasadena, Mayor Johnny Isbell, Council Members Ornaldo Ybarra, Bruce Leamon, Don Harrison, Pat Van Houte, Cody Ray Wheeler, Phil Cayten, Steve Cote, and Darrell Morrison (collectively, the "City"), make the following initial disclosures:

- 1. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses unless the use would be solely for impeachment:**

- A. Mayor Johnny Isbell may have relevant knowledge related to the procedure, process, and considerations underlying the City's adoption of the current election system and the local political history of the City;

- B. Council Member Orinaldo Ybarra may have relevant knowledge related to the procedure, process, and considerations underlying the City's adoption of the current election system and the local political history of the City;
- C. Council Member Bruce Leamon may have relevant knowledge related to the procedure, process, and considerations underlying the City's adoption of the current election system and the local political history of the City;
- D. Council Member Don Harrison may have relevant knowledge related to the procedure, process, and considerations underlying the City's adoption of the current election system and the local political history of the City;
- E. Council Member Pat Van Houte may have relevant knowledge related to the procedure, process, and considerations underlying the City's adoption of the current election system and the local political history of the City;
- F. Council Member Cody Ray Wheeler may have relevant knowledge related to the procedure, process, and considerations underlying the City's adoption of the current election system and the local political history of the City;
- G. Council Member Phil Cayten may have relevant knowledge related to the procedure, process, and considerations underlying the City's adoption of the current election system and the local political history of the City;
- H. Council Member Steve Cote may have relevant knowledge related to the procedure, process, and considerations underlying the City's adoption of the current election system and the local political history of the City;
- I. Council Member Darrell Morrison may have relevant knowledge related to the procedure, process, and considerations underlying the City's adoption of the current election system and the local political history of the City;
- J. Linda Rorrick, City Secretary, has custody of the records of the City and may have knowledge of the records related to the amendment of the City charter; and
- K. Roy Mease, chairman of the Bond/Charter Review Committee, may have relevant knowledge related to the operation of the City's 2013 Bond/Charter Review Committee and its consideration of proposed amendments to the City charter.

The above-named individuals may be contacted through counsel of record for the City, C. Robert Heath, Bickerstaff Heath Delgado Acosta LLP, 3711 S. MoPac Expressway, Building One, Suite 300, Austin, Texas 78746, (512) 472-8021 or Gene Locke, Andrews Kurth LLP, 600 Travis, Suite 4200, Houston, Texas 77002, (713) 220-3956.

The inclusion of members of the City Council in this response does not reflect a determination either that they do have discoverable information or that the City will use any City Council members as witnesses in this cause. The City does not waive its right or opportunity to claim the legislative or any other applicable privilege with respect to the above-named individuals.

The foregoing is preliminary and is subject to change. Discovery in this case is ongoing, as is the City's search for individuals likely to have discoverable information. The City reserves its right to amend or supplement this response as additional information is revealed through discovery.

- 2. A copy of—or a description by category and location—of all the documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.**

The following categories of documents, which may be used to support the City's claims or defenses, are located at the offices of counsel of record for the City, C. Robert Heath, Bickerstaff Heath Delgado Acosta LLP, 3711 S. MoPac Expressway, Building One, Suite 300, Austin, Texas 78746 or Gene Locke, Andrews Kurth LLP, 600 Travis, Suite 4200, Houston, Texas 77008:

- A. Demographic and voter registration data for the City and
- B. Maps depicting the City, the current City Council Districts, and the residences of the Council Members who were on the City Council when the current district lines were adopted.

The following categories of documents, which may be used to support the City's claims or defenses, are in the custody of the City Secretary and located at Pasadena City Hall, 1211 Southmore, Pasadena, Texas 77502:

- A. Records of City Council and other City committee proceedings and
- B. City records relating to elections.

The City also may use City election data that is in the custody of the Harris County Clerk or the Harris County Tax Assessor-Collector, voter registration data that is in the custody of the Harris County Tax Assessor-Collector, and demographic data that is maintained by the U.S. Census Bureau, but which is not yet in the City's possession, custody, or control.

The foregoing list is preliminary and is subject to change. Discovery in this case is ongoing, as is the City's identification and collection of documents in support of its defenses. The City reserves the right to amend or supplement this response as additional information is revealed through discovery.

- 3. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

The City reserves the right to recover attorneys' fees and costs of court in accordance with the applicable Federal Rules of Civil Procedure and governing statutes. Those amounts

cannot be calculated at this time, but documentation of these costs will necessarily be generated in the course of discovery and trial.

- 4. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

No such insurance agreement exists.

OF COUNSEL:

GUNNAR P. SEAQUIST  
Texas State Bar No: 24043358  
Southern District No: 1140733  
*gseaquist@bickerstaff.com*  
BICKERSTAFF HEATH  
DELGADO ACOSTA LLP  
3711 S. MoPac Expressway  
Building One, Suite 300  
Austin, Texas 78746  
Telephone: (512) 472-8021  
Facsimile: (512) 320-5638

GENE L. LOCKE  
State Bar No. 12461900  
Southern District No. 4969  
*glocke@andrewskurth.com*  
KATHRYN K. AHLRICH  
State Bar No. 24063686  
Southern District No. 1242003  
*katieahlrigh@andrewskurth.com*  
ANDREWS KURTH LLP  
600 Travis, Suite 4200  
Houston, Texas 77002  
Telephone: (713) 220-3956  
Facsimile: (713) 238-7294

Respectfully submitted,

By: /s/ C. Robert Heath  
C. ROBERT HEATH  
Texas State Bar No. 09347500  
Southern District No. 13381  
*Bheath@bickerstaff.com*  
BICKERSTAFF HEATH  
DELGADO ACOSTA LLP  
3711 S. MoPac Expressway  
Building One, Suite 300  
Austin, Texas 78746  
Telephone: (512) 472-8021  
Facsimile: (512) 320-5638

**ATTORNEY-IN-CHARGE FOR  
DEFENDANTS**

**CERTIFICATE OF SERVICE**

This is to certify that on March 19, 2015, a true and correct copy of the foregoing Defendants' Rule 26 Initial Disclosures was served on all counsel of record by Certified Mail, Return Receipt Requested and e-mail.

/s/ C. Robert Heath  
C. ROBERT HEATH